

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

Applicant's or agent's file reference
P803634/WO/1

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2004/013574

International filing date (day/month/year)
30.11.2004

Priority date (day/month/year)
15.01.2004

International Patent Classification (IPC) or both national classification and IPC
B60N2/56 B60J7/22 B60N2/48

Applicant
DAIMLERCHRYSLER AG

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013574

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/013574

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	2, 4, 6, 7, 9-11	YES
	Claims	1, 3, 5, 8	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO
2. Citations and explanations:			
1	<p>Reference is made to the following documents:</p> <p>D1: DE 100 47 754 A1 (DAIMLERCHRYSLER AG) 18 April 2002 (2002-04-18)</p> <p>D2: DE 11 23 220 B (DAIMLER-BENZ AKTIENGESELLSCHAFT) 1 February 1962 (1962-02-01)</p> <p>D3: WO 2004/091967 A (DAIMLERCHRYSLER AG) 28 October 2004 (2004-10-28)</p>		
2	<p>INDEPENDENT CLAIM 1</p> <p>The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). Document D1, see figures 1, 2, 6, 7; paragraphs 20, 21, 25, discloses (the references in parentheses relate to the said document):</p> <p>A motor vehicle seat comprising a back rest (14) and a height-adjustable head rest (16) that has a support bracket with two parallel bars inserted into the back rest (14), and a head cushion (16) held on the support bracket, and further</p>		

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INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013574

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>comprising a ventilation device (40) with a blow-out opening (22.1) integrated into the upper side (24) of the back rest (14) used to blow out warm air. A diffuser (56) that blocks off the intermediate space to the rear is arranged in the intermediate space between the back rest (14) and the head cushion (16), the said diffuser being embodied and aligned in relation to the blow-out opening (22.1) in such a way that the warm air flow through the blow-out opening (22.1) towards the head cushion (16) is diverted into a wide, diffuse warm air flow flowing around the head, neck and shoulders of a person using the seat.</p> <p>3 DEPENDENT CLAIMS 3, 5, 8</p> <p>Claims 3, 5 and 8 do not contain any features that, in combination with the features of any claim to which they refer, meet the PCT requirements with regard to novelty.</p> <p>Document D1 discloses (the references in parentheses relate to the said document):</p> <p>For claim 3: A motor vehicle seat, the diffuser (56) of which covers the area between the two support bracket bars of the head rest (16) in a transverse direction to the seat.</p> <p>For claim 5: A motor vehicle seat, the cloth (56) of which is pulled off from a reel of cloth wound onto a spring-return roller blind rod.</p> <p>For claim 8: A motor vehicle seat, of which the blow-out opening (22.1) in the upper side (24) of the back rest (14) is the mouth of a discharge</p>

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International application No.
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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>nozzle (30) of an aspirator (40) integrated into the back rest (14).</p>
4	DEPENDENT CLAIMS 2, 4, 6, 7, 9-11
4.1	<p>The combination of features contained in the dependent claims is neither known from the available prior art nor suggested by it. The reasons for this are as follows:</p> <p>D1 discloses a motor vehicle seat, the diffuser of which is attached to the rear side of the head rest, starting at the upper part of the back rest (claim 2) thus forming a surface perpendicular to the upper part of the back rest (claim 4), and configured as a roller blind and not as a plissé cloth (claim 6), bellows (claim 7) or a displaceable submergent blow-out channel (claims 9-11).</p> <p>Therefore, the subject matter of claims 2, 4, 6, 7, 9-11 is novel (PCT Article 33(2)).</p>
4.2	<p>The present application fails to comply with the requirements of PCT Article 33 (3) since the subject matter of claims 2, 4, 6, 7 does not involve an inventive step within the meaning of PCT Article 33(3).</p> <p>Document D1 is considered the prior art closest to the subject matter of claims 2, 4, 6, 7. D1 discloses a motor vehicle seat, the diffuser of which is attached to the rear side of the head</p>

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

rest, starting at the upper part of the back rest (claim 2) thus forming a surface perpendicular to the upper part of the back rest (claim 4), and configured as a roller blind and not as a plissé cloth (claim 6) or bellows (claim 7).

The problem to be solved by the present invention can therefore be seen as making the air that flows out of the blow-out opening against the diffuser form a wide, diffuse and gentle flow of warm air, and not a focused and concentrated flow of warm air that directly impacts the neck, head and shoulders of the person using the seat.

Document D2 (see figure 1; column 2, line 21 - column 3, line 11) discloses (the references in parentheses relate to the said document):

A motor vehicle seat with warm air distribution in the seating upholstery, the back rest (2) of which has an upper opening (24) that distributes the upwardly deflected air flow (25) against the inner side of the rear window (4). The rear window extends forward at an incline from behind the upper part of the back rest in the direction of the roof (3). It is the slant of the rear windows that forms a wide, diffuse warm air flow and defrosts the rear window, preventing it from misting up.

The features of claims 2 and 4 have already been used for the same purpose in document D2. If a person skilled in the art wishes to achieve the same aim with a motor vehicle seat pursuant to

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

document D1, it is a straightforward matter of applying the features to the subject matter of D1 as well, with corresponding effect. In this way, he would arrive at a motor vehicle seat as per claims 2 and 4, without this involving an inventive step.

The subject matter of claim 6 consists of selecting an upwardly extendable diffuser made of plissé cloth from the area of the diffuser described in document D1 and configured as a roller blind. However, such a selection can only be considered to involve an inventive step if the plissé cloth has unexpected effects or properties compared with the roller blind. Such effects or properties are not disclosed in the application, however. Therefore, the subject matter of claim 6 does not involve any inventive step. The same applies to claim 7 (bellows).

WRITTEN OPINION OF THE
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International application No.

PCT/EP2004/013574

Box No. VI

Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

See Form 210 and Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2004/013574

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

See Supplemental Box

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box VI and Box VIII

It is doubtful that the features of claim 7 (diffuser as bellows) and 9-11 (diffuser as axially displaceable submergent blow-out channel) can embody the object of the invention, since the warm air flow then no longer impacts against a slanted surface, where it is distributed, but is channelled directly to the neck, head and shoulders of the person sitting in the seat.

It is evident from the description on page 2, paragraph 4 that the following feature is essential for defining the invention:

making the air that flows out of the blow-out opening towards the diffuser form a wide, diffuse and gentle flow of warm air, and not a focused and concentrated flow of warm air that directly impacts the neck, head and shoulders of the person using the seat.

Claims 7, 9-11 contradict claim 1 because they do not feature a diffuser and for that reason are unclear within the meaning of PCT Article 6.

Furthermore, the embodiment comprising a displaceable submergent blow-out channel on which a grid-shaped diffuser is arranged is known from D3 (see figures 1a, 1b, 3a, 3b; page 5, line 32 - page 6, line 6; page 6, lines 20-24; page 7, lines 6-16).

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Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

Applicant's or agent's file reference
P803634/WO/1

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/013574

International filing date (day/month/year)
30.11.2004

Priority date (day/month/year)
15.01.2004

International Patent Classification (IPC) or both national classification and IPC
B60N2/56 B60J7/22 B60N2/48

Applicant
DAIMLERCHRYSLER AG

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013574

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/013574

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	2, 4, 6, 7, 9-11	YES
	Claims	1, 3, 5, 8	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO
2. Citations and explanations:			
<p>1 Reference is made to the following documents:</p> <p> D1: DE 100 47 754 A1 (DAIMLERCHRYSLER AG) 18 April 2002 (2002-04-18)</p> <p> D2: DE 11 23 220 B (DAIMLER-BENZ AKTIENGESELLSCHAFT) 1 February 1962 (1962-02- 01)</p> <p> D3: WO 2004/091967 A (DAIMLERCHRYSLER AG) 28 October 2004 (2004-10-28)</p>			
<p>2 INDEPENDENT CLAIM 1</p> <p> The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). Document D1, see figures 1, 2, 6, 7; paragraphs 20, 21, 25, discloses (the references in parentheses relate to the said document):</p> <p>A motor vehicle seat comprising a back rest (14) and a height-adjustable head rest (16) that has a support bracket with two parallel bars inserted into the back rest (14), and a head cushion (16) held on the support bracket, and further</p>			

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International application No.
PCT/EP2004/013574

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>comprising a ventilation device (40) with a blow-out opening (22.1) integrated into the upper side (24) of the back rest (14) used to blow out warm air. A diffuser (56) that blocks off the intermediate space to the rear is arranged in the intermediate space between the back rest (14) and the head cushion (16), the said diffuser being embodied and aligned in relation to the blow-out opening (22.1) in such a way that the warm air flow through the blow-out opening (22.1) towards the head cushion (16) is diverted into a wide, diffuse warm air flow flowing around the head, neck and shoulders of a person using the seat.</p> <p>3 DEPENDENT CLAIMS 3, 5, 8</p> <p>Claims 3, 5 and 8 do not contain any features that, in combination with the features of any claim to which they refer, meet the PCT requirements with regard to novelty.</p> <p>Document D1 discloses (the references in parentheses relate to the said document):</p> <p>For claim 3: A motor vehicle seat, the diffuser (56) of which covers the area between the two support bracket bars of the head rest (16) in a transverse direction to the seat.</p> <p>For claim 5: A motor vehicle seat, the cloth (56) of which is pulled off from a reel of cloth wound onto a spring-return roller blind rod.</p> <p>For claim 8: A motor vehicle seat, of which the blow-out opening (22.1) in the upper side (24) of the back rest (14) is the mouth of a discharge</p>

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/013574

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>nozzle (30) of an aspirator (40) integrated into the back rest (14).</p>
4	DEPENDENT CLAIMS 2, 4, 6, 7, 9-11
4.1	<p>The combination of features contained in the dependent claims is neither known from the available prior art nor suggested by it. The reasons for this are as follows:</p> <p>D1 discloses a motor vehicle seat, the diffuser of which is attached to the rear side of the head rest, starting at the upper part of the back rest (claim 2) thus forming a surface perpendicular to the upper part of the back rest (claim 4), and configured as a roller blind and not as a plissé cloth (claim 6), bellows (claim 7) or a displaceable submergent blow-out channel (claims 9-11).</p> <p>Therefore, the subject matter of claims 2, 4, 6, 7, 9-11 is novel (PCT Article 33(2)).</p>
4.2	<p>The present application fails to comply with the requirements of PCT Article 33 (3) since the subject matter of claims 2, 4, 6, 7 does not involve an inventive step within the meaning of PCT Article 33(3).</p> <p>Document D1 is considered the prior art closest to the subject matter of claims 2, 4, 6, 7. D1 discloses a motor vehicle seat, the diffuser of which is attached to the rear side of the head</p>

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/013574

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

rest, starting at the upper part of the back rest (claim 2) thus forming a surface perpendicular to the upper part of the back rest (claim 4), and configured as a roller blind and not as a plissé cloth (claim 6) or bellows (claim 7).

The problem to be solved by the present invention can therefore be seen as making the air that flows out of the blow-out opening against the diffuser form a wide, diffuse and gentle flow of warm air, and not a focused and concentrated flow of warm air that directly impacts the neck, head and shoulders of the person using the seat.

Document D2 (see figure 1; column 2, line 21 - column 3, line 11) discloses (the references in parentheses relate to the said document):

A motor vehicle seat with warm air distribution in the seating upholstery, the back rest (2) of which has an upper opening (24) that distributes the upwardly deflected air flow (25) against the inner side of the rear window (4). The rear window extends forward at an incline from behind the upper part of the back rest in the direction of the roof (3). It is the slant of the rear windows that forms a wide, diffuse warm air flow and defrosts the rear window, preventing it from misting up.

The features of claims 2 and 4 have already been used for the same purpose in document D2. If a person skilled in the art wishes to achieve the same aim with a motor vehicle seat pursuant to

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INTERNATIONAL SEARCHING AUTHORITY

International application No.
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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

document D1, it is a straightforward matter of applying the features to the subject matter of D1 as well, with corresponding effect. In this way, he would arrive at a motor vehicle seat as per claims 2 and 4, without this involving an inventive step.

The subject matter of claim 6 consists of selecting an upwardly extendable diffuser made of plissé cloth from the area of the diffuser described in document D1 and configured as a roller blind. However, such a selection can only be considered to involve an inventive step if the plissé cloth has unexpected effects or properties compared with the roller blind. Such effects or properties are not disclosed in the application, however. Therefore, the subject matter of claim 6 does not involve any inventive step.

The same applies to claim 7 (bellows).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013574

Box No. VI

Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

See Form 210 and Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

See Supplemental Box

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box VI and Box VIII

It is doubtful that the features of claim 7 (diffuser as bellows) and 9-11 (diffuser as axially displaceable submergent blow-out channel) can embody the object of the invention, since the warm air flow then no longer impacts against a slanted surface, where it is distributed, but is channelled directly to the neck, head and shoulders of the person sitting in the seat.

It is evident from the description on page 2, paragraph 4 that the following feature is essential for defining the invention:

making the air that flows out of the blow-out opening towards the diffuser form a wide, diffuse and gentle flow of warm air, and not a focused and concentrated flow of warm air that directly impacts the neck, head and shoulders of the person using the seat.

Claims 7, 9-11 contradict claim 1 because they do not feature a diffuser and for that reason are unclear within the meaning of PCT Article 6.

Furthermore, the embodiment comprising a displaceable submergent blow-out channel on which a grid-shaped diffuser is arranged is known from D3 (see figures 1a, 1b, 3a, 3b; page 5, line 32 - page 6, line 6; page 6, lines 20-24; page 7, lines 6-16).